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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

WILSON, JACQUELINE B

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | |
|-------------------------------|---------------------------|
| Application No. 09/249,642 | Applicant(s) Vu et al. |
| Examiner Jacqueline Wilson | Art Unit 2612 |



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Sep 9, 2002

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09/09/02 have been fully considered but they are not persuasive. The applicants arguments are substantially the same as previous responses. Therefore, the examiners response to arguments are repeated.

The applicant argues that the prior art fails to teach a data stream forming x number of first data blocks each containing n units of data, forming y number of second data blocks each containing m units of data and combining x and y number of data blocks to achieve the predetermined rate. The examiner strongly disagrees. With reference to column 6, Staats specifically teaches that the transmitter needs to send 266 packets and sometimes send 267 packets (lines 7+). This is synonymous to the claimed first and second data blocks with n and m units of data. In order to send data with a proper synchronization of $Mav = 266.5$ (synonymous to the claimed "evenly distributed"), the data stream must send 266 packets with a few 267 packet in order to maintain proper stream (predetermined rate). Therefore, the examiner maintains her rejection using Staats teachings..

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-20, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Staats (US 6,373,821).

Regarding Claim 1, Staats'821 teaches transmitting information from a source device at a predetermined rate comprising forming x number of first data blocks wherein each of the first data blocks contains n units of data (267 packets/frame; col. 6, lines 7+), and forming y number of second data blocks wherein each of the second data blocks contains m units of data (266 packets/frame) wherein m is not equal to n. Staats'821 further teaches that each data stream contains these data packets in which 266 packets/frame of data is transmitted and sometimes 267 are need to be transmitted. This inherently teaches combining x number of first data blocks and y number of second data blocks into a data stream to achieve the predetermined rate, wherein the first data blocks and the second data blocks are of a same type and have the same characteristics (video data).

Regarding Claim 2, Staats'821 teaches transmitting the data stream from the source device at the predetermined rate (col. 10, lines 57+ teaches the host is programmed to begin transmission of data an a desired cycle).

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Regarding Claim 3, Staats'821 teaches the actual frame transmission time may be compared with a predicted transmission time to maintain frame synchronization (col. 10, lines 46-53). This is broadly interpreted as evenly distributing the x number of first data blocks among the y number of second data blocks since the device insists on maintaining the data stream to be synchronized.

Regarding Claim 4, Staats'821 teaches digital video data (col. 3, lines 30-33).

Regarding Claim 5, Staats'821 teaches n, m, x, and y are integer values (x and y are each frame, and n and m are 266 and 267).

Claim 6 is analyzed and discussed with respect to Claim 1 (source and receiving devices are the host computer and camera).

Claim 7 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Claim 8 is analyzed and discussed with respect to Claim 2 with the further limitation of the data stream conforming to the standards of an IEEE 1394-1995 network (col. 3, lines 24+).

Claim 9 is analyzed and discussed with respect to Claim 3. (See rejection of Claim 3 above.)

Claim 10 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Regarding Claim 11, Staats'821 teaches the source and receiving device are coupled together within a network (see fig. 1).

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Claim 12 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 13 is analyzed and discussed with respect to Claim 1. (See rejection of Claim 1 above.)

Claim 14 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Regarding Claim 15, Staats'821 teaches an interface coupled to the controller and configured for connecting to a network (fig. 1, 12).

Claim 16 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 17 is analyzed and discussed with respect to Claim 1. (See rejection of Claim 1 above.)

Claim 18 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Claim 19 is analyzed and discussed with respect to Claim 6 (see also col. 8, lines 15-16). (See rejection of Claim 6 above.)

Claim 20 is analyzed and discussed with respect to Claims 6 and 19 . (See rejection of Claims 6 and 19 above.)

Claim 23 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

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Claim 24 is analyzed and discussed with respect to Claims 6 and 11. (See rejection of Claims 6 and 11 above.)

Claim 25 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21-22, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staats'821.

Regarding Claim 21, Staats'821 does not specifically disclose the predetermined rate is 29.97 frames per second. However, it is notoriously well known in the art to transmit signal conforming to standard television signals (29.97 frames per second). By performing this method allows for images to be seen on a monitor desirably. Therefore, it would have been obvious to one having ordinary skill in the art to have the predetermined rate to be 29.97 frames per second.

Regarding Claim 22, Staats'821 teaches the x packets represent 267 packets and the y packets represent 266 packets as discussed in Claim 1, but fails to specifically disclose the

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plurality of second frames are 9336 frames and the plurality of second frames are 664 frames.

However, this is an obvious matter of design choice by the manufacturer at the time of production to manufacture such values with respect to the transmission scheme, for it does not change the scope of the invention.

Claims 26 and 27 are analyzed and discussed with respect to Claims 1 and 8. Although Staats'821 teaches 267 packets and 266 packets as discussed in Claim 1, Staats'821 fails to specifically disclose the first frames are 9336 frames and second frames are 664 frames. However, this is an obvious matter of design choice by the manufacturer at the time of production to manufacture such values with respect to the transmission scheme, for it does not change the scope of the invention.

Furthermore, Staats'821 does not specifically disclose the predetermined frame rate is 29.97 frames per second. However, it is notoriously well known in the art to transmit signal conforming to standard television signals (29.97 frames per second). By performing this method allows for images to be seen on a monitor desirably. Therefore, it would have been obvious to one having ordinary skill in the art to have the predetermined rate to be 29.97 frames per second.

Conclusion

6. Any inquiries concerning this communication from the examiner should be directed to **Jacqueline Wilson** whose telephone number is (703) 308-5080. The examiner can normally be reached Monday-Friday (alternate Fridays off) from 9:00 A.M. to 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached at (703) 305-4929. The fax number for this group is (703)872-9314.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or Faxed to:

(703) 308-9051, (for formal communication intended for entry)

or:

(703) 872-9314, (for informal or draft communications, please label
“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, V.A., Sixth Floor (Receptionist).

JBW

September 24, 2002

Wendy
WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600